



W.P.NO.5852 OF 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.5852 OF 2025
AND WMP NO.6438 OF 2025

A.Baskaran
Radiographer (Under suspension)
Government Hospital
Avinashi, Tirupur District. ... Petitioner

VS.

1.The Director of Medical and
Rural Health Services
Chennai – 600 006.

2.The Joint Director of Medical and
Rural Health Services
Tirupur District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus, calling for the records of the second respondent in Proceedings in Ref. No.151/E2/2024 dated 12.01.2024 and quash the same with consequential directions to the respondents to reinstate the petitioner and post him in any non-sensitive post pending initiation of disciplinary proceedings and to pass orders thereon, on merits and in accordance with law, within a time frame.

For Petitioner : Mr.V.Parthiban



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For Respondents : Mr.M.Bindran
Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to the Proceedings in Ref.No.151/E2/2024 dated 12.01.2024 of the second respondent and to quash the same, with a consequential direction to the respondents to reinstate the petitioner and post him in any non-sensitive post pending initiation of disciplinary proceedings and to pass orders thereon, on merits and in accordance with law.

2.In the affidavit filed in support of the Writ Petition, it is stated that the petitioner retired from the Armed Forces Medical Services on 30.03.2017 and, thereafter, was appointed as a Radiographer (Branch IV, Class II of Category No. 2 of the Tamil Nadu Subordinate Services) by the Proceedings of the first respondent dated 07.04.2018. He joined duty on 19.04.2018 at the Government Hospital, Dharapuram, Tirupur District

3.It is contended that a criminal case has been lodged against



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the petitioner, alleging that he had committed sexual harassment against the complainant. It is stated that in this connection, an FIR in Crime No.4 of 2024 was registered for the offence under Section 354 of the Indian Penal Code, 1860, read with Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, 1988, by the Inspector of Police, Town Police Station, Avinashi, on 02.01.2024. The petitioner was placed under suspension with effect from 03.01.2024 by the second respondent, vide Proceedings dated 12.01.2024, under Rule 17(e) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955. The petitioner claims that since more than a year has elapsed and the charge sheet has not yet been filed, the petitioner should be automatically reinstated in service and it must be deemed that the disciplinary proceedings against the petitioner are dropped.

4.In this connection, the learned counsel for the petitioner relied on the Government Order in G.O.(Ms) No.66, Human Resources Management (N) Department, dated 06.07.2022, wherein the Government examined the issue of initiating simultaneous disciplinary proceedings concerning the same set of charges as in the criminal case. It



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also addressed cases involving trap proceedings and arrest cases, and provided guidelines in relation to the same.

5.The learned counsel for the petitioner specifically relied on the Government Order, which stated that disciplinary proceedings should be concluded within the time limit specified in Government Letter (Ms) No.1118/Per N/87, Personnel and Administrative Reforms (N) Department, dated 22.12.1987. The Government Letter dated 22.12.1987 further states that if disciplinary proceedings are not initiated within a reasonable period, they should be treated as abated.

6.One issue that was not brought to the attention by the learned counsel for the petitioner is that the petitioner is facing a charge of sexual harassment in the workplace. In this regard, the specific enactment is the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Under the provisions of the said Act, every woman employed must be protected from sexual harassment by co-employees. If any allegations arise in this regard, it is specifically provided that action must be initiated by the superior officers.



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7.In this connection, it is stated that the petitioner was working as a Radiographer and while taking an ECG of a lady, it was alleged that he committed acts of sexual harassment against her. The lady lodged a criminal complaint in this regard. This is a serious offence and the presence of the petitioner in the office as a Radiographer could no longer be permitted by the respondents. The confidence of the respondents in allowing the petitioner to take ECG of a female patients would certainly have deteriorated due to the petitioner's conduct. Even in the letter relied on by the learned counsel for the petitioner, dated 22.12.1987, there is no specific reference with respect to disciplinary proceedings relating to the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. That is a separate, independent and standalone enactment to protect women in the workplace. I am not impressed with the arguments advanced by the learned counsel for the petitioner.

8.The Writ Petition stands dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.



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Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
TK

To

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Rural Health Services
Chennai – 600 006.

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Tirupur District.



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C.V.KARTHIKEYAN, J.

TK

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